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प्रसाधारण

EXTRAORDINARY

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PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF FINANCE

(Department of Revenue and Insurance)

NOTIFICATIONS

New Delhi, the 3rd July 1969

S.O. 2705.—In exercise of the powers conferred by section 114 read with sub-section (1) of section 100 of the Gold (Control) Act, 1968 (45 of 1968), the Central Government hereby makes the following rules namely:—

1. Short title and commencement.—(1) These rules may be called the Gold Control (Indentification of Customers) Rules, 1969.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) "Act" means the Gold (Control) Act, 1968 (45 of 1968);
- (b) "customer" means a person from whom gold is proposed to be accepted, bought or otherwise received by a licensed dealer, refiner or certified goldsmith;
- (c) "licensed dealer" includes a licensed refiner;
- (d) "section" means a section of the Act;
- (e) "voucher" means a voucher issued under rule 13 of the Gold Control (Forms, Fees and Miscellaneous Matters) Rules, 1968;
- (f) words and expressions used and not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. (1) Except where—

- (a) the customer is personally known to the licensed dealer, or
- (b) the payment for the gold bought or otherwise received from the customer is made by the licensed dealer by a crossed cheque drawn in favour, and payable to the account, of the customer, or
- (c) payment to the licensed dealer of charges for making, manufacturing, preparing, repairing or polishing of any article or ornament is made by the customer by a crossed cheque drawn on his account in a scheduled bank,

the licensed dealer shall take one or more of the following steps to satisfy himself as to the identity of the customer, namely:—

- (i) introduction or identification of the customer by a person who is either personally known to the licensed dealer or whose identity has been established to the satisfaction of the licensed dealer,
- (ii) the production of any document which establishes the identity of the customer such as—
 - (a) a valid passport held by the customer,
 - (b) a valid identity card issued to the customer by the postal authorities,
 - (c) a valid identity card issued by the Secretariat of Parliament or of any Legislature in a State or Union territory,
 - (d) a valid identity card issued to the customer by his employer if such employer is a local authority or a body corporate or Government or a Corporation owned or controlled by Government,
 - (e) a motor driving licence held by the customer as a paid employee,
 - (f) an identity card issued by the Gold Control Officer.

(2) Before accepting, buying or otherwise receiving any gold from a customer, a licensed dealer shall, in every case—

- (a) obtain on the voucher, the signature and full postal address of the customer,
- (b) where the licensed dealer's satisfaction as to the identity of the customer is based on the identification made by another person, obtain on the voucher the signature and full postal address of such identifier, and where such identifier is not personally known to him, he shall also note, on the voucher, the particulars of the documents on the strength of which he has been satisfied as to the identity of such identifier;
- (c) where the licensed dealer's satisfaction as to the identity of the customer is based on any other document, note, on the voucher, the date and other particulars of such document.

(3) Every certified goldsmith shall, before accepting or otherwise receiving any gold, comply with the provisions of sub-rule (1) and sub-rule (2) subject to the modification that instead of obtaining the required signature or making the required note on the voucher, he shall obtain such signature and make such note on the register of accounts maintained by him.

[No. F. 1/47/69-GC-IL]

S.O. 2706.—In exercise of the powers conferred by section 114, read with sub-section (6) of section 27, of the Gold (Control) Act, 1968 (45 of 1968), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Gold Control (Licensing of Dealers) Rules, 1969.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Matters to which regard shall be had before issuing a licence.—On receipt of an application for the issue of a licence to commence or carry on business as a dealer, the Administrator shall have regard to the following matters, namely:—

- (a) whether the application has been made in the prescribed form and the prescribed fees have been duly deposited;
- (b) the experience of the applicant with regard to the dealing in, or making, manufacturing, preparing, repairing or polishing of ornaments;

- (c) whether the premises where the applicant intends to carry on business as a licensed dealer is suitable and secure for the carrying on of such business;
- (d) whether any licence previously held by the applicant had been cancelled under any law for the time being in force;
- (e) whether the applicant has been convicted of an offence, or any penalty has been imposed on him, under—
 - (i) the Gold (Control) Act, 1968, or
 - (ii) any other law for the time being in force relating to gold, or
 - (iii) any other law for the time being in force in so far as such law prohibits, restricts or regulates the bringing into or taking out of India of any goods (including coins, currency, whether Indian or foreign, and foreign exchange) or the dealing in such goods by way of acquisition or otherwise;
- (f) the need to increase the number of licensed dealers in the city or town in which the dealer intends to carry on business or where the applicant intends to carry on business in a village, the need to increase the number of licensed dealers in the district within which such village is situated, having regard to—
 - (i) the number of licensed dealers existing in such city, town or district, as the case may be, and
 - (ii) the demand for ornaments which is likely to arise in such city, town or district, such demand being estimated on the basis of the turnover of the licensed dealers, existing therein, for a period of three years preceding the year in which such application for the issue of licence has been made and such turnover shall be determined on the basis of the accounts and returns submitted under the law for the time being in force in relation to gold.

3. Matters to be considered for the renewal of a licence.—A dealer shall be qualified for the renewal of the licence held by him if he fulfils the following conditions, namely:—

- (a) that the application has been made in the prescribed form at least one month before the expiry of the period of validity thereof;
- (b) that the prescribed fees for the renewal of the licence have been duly deposited;
- (c) that the premises where the applicant is carrying on business as a licensed dealer continues to be suitable and secure for the carrying on therein of such business;
- (d) that no statement made by the applicant at the time of the issue or renewal of the licence was incorrect or false in material particulars;
- (e) that no condition of the licence has been contravened by the applicant;
- (f) that the applicant has not contravened any provision of the Gold (Control) Act, 1968 or any rule or order made thereunder or of Part XIVA of the Defence of India Rules, 1962 or of any other law for the time being in force in so far as such law prohibits, restricts or regulates the bringing into or taking out of India of any goods (including coins, currency, whether Indian or foreign and foreign exchange) or the dealing in such goods by way of acquisition or otherwise.

[No. F. 1/47/69-GC-II.]

K. NARASIMHAN, Jt. Secy.

